

U. S. PTO Customer No. 25280

Case #2094B

REMARKS

Claims 1-51 were pending in the application. Claims 1-13 and 27-51 are hereby canceled without prejudice. Claims 14 and 16 have been amended. No claims have been added. Thus, upon entry of the amendment, claims 14-26 are subject to continued examination. Each of these claims is believed to be in condition for allowance. Accordingly, an action to that effect is requested at this time.

FORMAL REJECTIONS:

Claims 1-44 were rejected under 35 U.S.C. 112 second paragraph as being indefinite on the grounds that the recited elements of the Markush groups in claims 1, 4, 14, and 29 were not mutually exclusive. In this regard applicants must respectfully note that there is no requirement that the elements of a Markush grouping be mutually exclusive so long as the scope of the claim is not rendered unclear. See MPEP Section 2173.05(h) ("The mere fact that a compound may be embraced by more than one member of a Markush group recited in the claim does not necessarily render the scope of the claim unclear.") Nonetheless, Applicants have attempted to eliminate undue redundancy between the recited group members. Accordingly, withdrawal of the prior formal rejections is requested at this time.

DOUBLE PATENTING REJECTIONS:

Claims 1-44 were rejected on the ground of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent 6,340,514. Claims 1-51 were rejected on the ground of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent 6,589,631. Applicants continue to respectfully traverse these rejections. However, upon

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indication that the remaining claims are otherwise in condition for allowance, Applicants will provide appropriate terminal disclaimers to obviate these rejections.

ART REJECTIONS:

The Office Action sets forth numerous art rejections. However, as best understood, no art rejection has been raised against the remaining claims. Thus, it is respectfully submitted that all art rejections have been obviated and that the remaining claims all stand in condition for allowance.

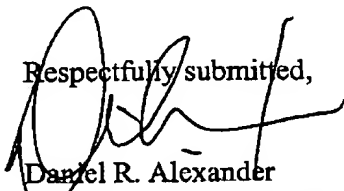
CONCLUSION / AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT:

On the grounds as set forth above, Applicants respectfully request that all claims be passed to issue. While an attempt has been made to address all outstanding issues, to any extent that one or more issues remain, the undersigned respectfully requests a telephone conference to resolve such issues.

Please charge all fees required for acceptance of this amendment to Deposit Account 04-0500.

April 8, 2004

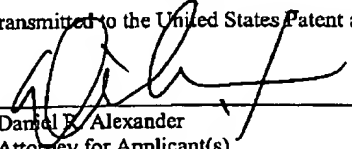
Respectfully submitted,



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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on April 8, 2004 to 703-872-9306.



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